

THE HYDERABAD CIVIL COURTS ACT, 1954.

No. XXXVI of 1954.

An Act to re-enact the law relating to Civil Courts.

Whereas it is expedient to re-enact the law relating to Civil Courts in the Hyderabad State ;

Be it enacted in the Fifth Year of Our Republic as follows :—

1. (1) This Act may be called the Hyderabad Civil Courts Act, 1954. Short title, extent and commencement.

(2) It extends to the whole of the Hyderabad State.

(3) Sections 11 and 12 of this Act shall be deemed to have come into force on the 16th day of October, 1952 ; the rest of this Act shall come into force from the date of its publication in the official Gazette.

2. (1) The Government may, for the purposes of this Act, from time to time, by notification in the official Gazette. — Creation and alteration of Districts & Taluqas
Continuance of existing Districts and Taluqas.

(a) create new Districts and Taluqs ; or

(b) alter the local limits of existing Districts or Taluqas by transfer of a Taluqa or a portion of a Taluqa from the limits of one District to another District, or by transfer of a portion of a Taluqa from the limits of one Taluqa to another Taluqa.

(2) The Districts and Taluqas existing at the time when this Act comes into force shall, until an order is made under sub-section (1), be the District and Taluqas for the purposes of this Act.

3. (1) The Government may, from time to time, by notification in the official Gazette specify the places at which the Judges and Munsiffs under this Act shall ordinarily hold their court. Situation of Courts.

(2) The places at which the said Judges and Munsiffs hold their court at present shall, until an order is made under sub-section (1), be deemed to be the places so specified by

the Government under sub-section (1).

Establishment of
District Courts.

4. (1) The Government shall in consultation with the High Court establish a Court of District Judge for each District or for more than one District and appoint a District Judge for each District or Districts.

(2) The Government may, if it thinks fit, appoint one or more Additional District Judges for one or more such Districts.

(3) The Additional District Judges so appointed shall discharge all or any of the functions of the District Judge under this Act or any other law for the time being in force, which the District Judge may assign to them, and in the discharge of those functions, they shall exercise the same powers as the District Judge.

(4) Notwithstanding anything contained in sections 2 and 3 of this Act, the High Court may, by notification in the official Gazette, specify the local limits of the jurisdiction and the place within such limits at which such Judge or each of such Judge, Additional District Judge or each of such Additional District Judges shall ordinarily hold his court.

Establishment of
Courts of Subordi-
nate Judges.

5. (1) The Government may establish a Court of a Subordinate Judge for each District or for more than one District and appoint a Subordinate Judge for each District or Districts.

(2) The Government may, if it thinks fit, appoint one or more Additional Subordinate Judges for one or more such District or Districts.

(3) The Additional Subordinate Judges so appointed shall, subject to the general or special orders of the District Judge, discharge all or any of the functions of the Subordinate Judge which the said Subordinate Judge may assign to him and in the discharge of those functions they shall exercise the same powers as the Subordinate Judge.

(4) Notwithstanding anything contained in sections 2 and 3 of this Act, the High Court may, by notification in the Official Gazette specify the local limits of the jurisdiction and the place within the local limits at which such Subordinate Judge or each of such Subordinate Judges, Additional Subordinate Judge or each of such Additional Subordinate Judges shall ordinarily hold his court.

Establishment of
Courts of Munsiffs.

6. (1) The Government may, establish a Court of Munsiff for each Taluqa or for more than one Taluqa and appoint a Munsiff for such Taluqa or Taluqas.

(2) The Government may, if it thinks fit, appoint one or more Additional Munsiffs for one or more such Taluqas.

(3) The Additional Munsiffs so appointed shall, subject to the special or general orders of the District Judge, discharge all or any of the functions of the Munsiff which the said Munsiff shall assign to him and in the discharge of those functions shall exercise all the powers as the Munsiff.

(4) Notwithstanding anything contained in section 2 and 3, the High Court, may, by notification in the official Gazette specify the local limits of the jurisdiction and the place within such local limits at which such Munsiff or each of such Munsiffs, Additional Munsiff or each of such Additional Munsiffs shall ordinarily hold his Court.

7. (1) The State Government may, by notification in the Official Gazette appoint a court consisting of one or more Judges to try and dispose of a case or cases or for a part of the State or for the whole State and may specify the class of cases which the Court may try and dispose of.

Establishment of Tribunal and Benches.

(2) Appeal from the Judgement of such court shall lie to the High Court.

Appeals.

8. (1) Notwithstanding anything contained in sections 2, 3, 4, 5 and 6 the High Court may, by notification in the Official Gazette specify the place or places (other than the places where they ordinarily hold their Court) at which the Judges and Munsiffs mentioned in sections 4, 5 and 6 shall hold their Court :

Place and period of sitting of certain Courts.

Provided that where more than one place is specified as the place where a Court shall sit the High Court shall specify in the Notification the period for which or the days on which and the purpose for which such Court shall sit at each of such places.

(2) The places specified under sub-section (1) shall be deemed to be within the jurisdiction of the said Court.

9. Notwithstanding anything contained in section 4, 5 and 6, the High Court may, by notification in the Official Gazette empower any Additional District Judge, Additional Subordinate Judge, Subordinate Judge and Munsiff, as the case may be, specified area.

Separate territorial jurisdiction for Additional District Judge. Additional Subordinate Judge and Additional Munsiff.

10. Every Court appointed under this Act shall use a seal of such form and dimensions as the High Court, may with the approval of the Government, specify.

Seal of the Court.

Classes and pecuniary jurisdiction of Civil Courts.

11. The classes of Civil Courts and the pecuniary jurisdiction of the Judges thereof in original suits shall be as follows:—

In the Districts

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| (1) the Court of the District Judge or the Court of Additional District Judge. | With unlimited jurisdiction. |
| (2) the Court of Subordinate Judge or Additional Subordinate Judge. | With jurisdiction not exceeding rupees twenty thousand. |
| (3) the Court of the Munsiff or Additional Munsiff. | With jurisdiction not exceeding rupees two thousand. |

In the City Civil Court

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| (1) the Courts of First and Second Judge. | With unlimited jurisdiction. |
| (2) the Courts of Third and Fourth Judge. | With jurisdiction not exceeding rupees five thousand. |
| (3) the Courts of Fifth Judge. | With jurisdiction not exceeding rupees two thousand. |

Distribution of work in the City Civil Courts and discharge of functions of the First Judge by the Second Judge.

12. (1) The First Judge of the City Civil Court may, from time to time, make such arrangements he may think fit for the distribution of the business of the Court among the various Judges thereof.

(2) The Second Judge of the City Civil Court, shall subject to the general or special order of the High Court discharge all or any of the functions of the First Judge of that Court which the said First Judge may assign to him and in the discharge of those functions the said Second Judge shall exercise the same powers as the said First Judge.

Power of Govt. to increase the pecuniary jurisdiction of Subordinate Judges and Munsiffs.

13. The Government may on the recommendation of the High Court, by notification in the official Gazette increase the original pecuniary jurisdiction of—

(a) a Subordinate Judge, or an Additional Subordinate Judge, from rupees twenty thousand to any sum not exceeding rupees fifty thousand; or

(b) a Munsiff or an Additional Munsiff from rupees two thousand to any sum not exceeding rupees five thousand :

Provided the Government may, by notification in the official Gazette, delegate to the High Court its powers under this section ;

Provided further that nothing in this section shall be deemed to affect any pecuniary jurisdiction of a Munsiff or Additional Munsiff which was being validly exercised immediately before the commencement of this Act.

14. (1) Save as otherwise provided by any enactment for the time being in force, an appeal from a decree or order of a District Judge or Additional District Judge shall lie to the High Court. Appeals from District and Additional District Judges.

(2) An appeal shall not lie to the High Court from a decree or order of an Additional District Judge, in a case in which, if the decree or order had been made by the district Judge, an appeal would not lie to the Court.

15. (1) Save as aforesaid, an appeal from a decree or order of a Subordinate Judge or an Additional Subordinate Judge shall lie— Appeals from Subordinate Judges and Munsiff.

(a) to the District Judge—where the value of the original suit in which or any proceeding arising out of which the decree or order was made does not exceed rupees five thousand, and

(b) to the High Court, in any other case.

(2) Save as aforesaid, an appeal from a decree or order of a Munsiff or Additional Munsiff shall lie to the District Judge.

16. (1) Save as aforesaid, an appeal from a decree or order of the first Judge or the Second Judge of the City Civil Court, shall lie to the High Court. Appeals from Judges of the City Civil Court.

(2) The First Judge of the City Civil Court and the Second Judge of the City Civil Court, subject to condition laid down in sub-section (1) of section 12, may take cognizance of an appeal from every decree or order of other Judges of the said Court from which an appeal is allowed under any law in force.

17. (1) No Judge or Munsiff shall take cognizance of a suit in which he himself is a party or has any interest or concern. Cases in which a Judge shall not take cognizance of suit or appeal.

(2) No Judge or Munsiff shall take cognizance of an

appeal or application filed against an order or decree passed by him, by way of review or rectification.

(3) In the cases mentioned in sub-sections (1) and (2), the said Judge or Munsiff, as the case may be, shall, as early as possible, send the case together with a report of the circumstances in which he is not competent to entertain the suit or appeal to the Court to which an appeal would lie from his judgment and the said Court shall proceed with the suit or appeal, as the case may be under the provisions of the Code of Civil Procedure, 1908.

Control over
subordinate court.

18. (1) The District Judge shall have general control over all the Subordinate Civil Courts and their establishments within his District and it shall be his duty to supervise and inspect or to cause one of his assistants to inspect the proceedings of such Courts and give them directions, as he may think necessary and the subordinate Court shall act in accordance therewith.

(2) The District Judge shall also refer to the High Court such matters as appear to him to require that a rule of that Court should be made thereof.

Powers of the
Govt. and the
High Court to call
for statements,
reports and returns
from Courts.

19. The Government or the High Court may call for statements, administrative reports and returns from all Courts and the Courts shall comply with such orders of the Government or the High Court, as the case may be.

Court may be em-
powered by Govt.
for appointment,
etc., of officers and
appointment, pro-
motion and leave
of staff and sanc-
tioning of funds.

20. The Government may, to such extent as it thinks fit, confer upon any Court the powers in respect of selection and recommendation for the appointment and promotion of ministerial officers and staff and for their leave, suspension, punishment and removal and until so empowered the powers already conferred on such Court by the Hyderabad Civil Services (Classification, Control and Appeal) Rules, 1952 shall continue to be exercised.

Repeal and
savings.

21 The Hyderabad Civil Courts Act, 1324 F., is hereby repealed :

Provided that all Courts established or continued appointments made, notifications issued, orders passed, action taken, or things done, or deemed or purported to have been so done under the said Act, shall be deemed to be established, continued, made, issued, passed, taken, or done under the provisions of the Act.